

EXHIBIT E

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

TO: Kevin Gilbertson, Chief Information Officer
Executive agency directors

FROM: Governor Greg Gianforte

CC: Attorney General Austin Knudsen
Secretary of State Christi Jacobsen
State Auditor Troy Downing
Superintendent of Public Instruction Elsie Arntzen

DATE: May 17, 2023

RE: Expanding TikTok prohibition to all social media applications that provide personal information or data to foreign adversaries

One of government's chief responsibilities is to keep its citizens – and their personal, private, sensitive information and data – safe and secure. Foreign adversaries' collection and use of Montanans' personal information and data from social media applications infringe on Montanans' constitutionally guaranteed individual right to privacy.¹

TikTok, a video-sharing social media application owned by Beijing-based ByteDance Ltd., harvests expansive amounts of personal information and data from its users' devices, much of which is unrelated to the app's purported objective of video sharing. It is well-documented that the company provides such information and data to the Chinese Communist Party. Use of TikTok on state devices poses a significant risk to the security of our state and Montanans' sensitive data.

Therefore, after a consistent, documented pattern of TikTok providing individuals' data and information to the Chinese Communist Party, I prohibited the use of TikTok on government-issued devices or while connected to the state network in December 2022.

The risk of foreign adversaries obtaining Montanans' personal, private, sensitive information and data, however, is not limited to TikTok alone. Like TikTok, many popular

1. Social media application means "a person or entity that owns or operates an internet-based electronic application through which content can be shared by users, including but not limited to commentary, videos, still photographs, blogs, video blogs, podcasts, and music."

social media applications are based in countries identified by the U.S. Secretary of Commerce as a foreign adversary.²

Below are some examples of social media applications that are tied to foreign adversaries and operating in the U.S.:

- CapCut, Lemon8, and TikTok are social media applications whose parent company, ByteDance Ltd., is headquartered in Beijing, China.
- Telegram Messenger, which was founded in Russia, is a social media application which the Russian government uses to monitor users and obtain personal, sensitive, confidential information.
- Temu is a social media application whose parent company, Pinduoduo, is headquartered in Shanghai, China.
- WeChat is a social media application whose parent company, Tencent, is headquartered in Shenzhen, China.

Given concerns about the use of such social media applications on state devices to the security of our state and Montanans' sensitive data, effective June 1, 2023, no executive agency, board, commission, or other executive branch entity, official, or employee of the State of Montana shall download or access social media applications that provide personal information or data to foreign adversaries on government-issued devices or while connected to the state network. Additionally, any third-party firms conducting business for or on behalf of the State of Montana shall not use these applications.

This ban applies to all state-issued cell phones, laptops, tablets, desktop computers, and other devices which connect to the internet, and I direct you to take all necessary steps to block these applications from being accessed. If applications which provide information and data to foreign adversaries are currently downloaded on any device described above, they must be immediately removed. If exceptions to enable law enforcement and essential government uses of the app are necessary, they must be reported to the Office of the Governor by agency leadership.

Together, we will defend the State of Montana and its people against threats to our security, privacy, and way of life.

2. U.S. Code defines a foreign adversary as "any foreign government or foreign nongovernment person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons." (47 U.S.C. 1607(c)(2)) According to the U.S. Code of Federal Regulations, the U.S. Secretary of Commerce identifies China, Cuba, Iran, North Korea, Russia, and Venezuela as foreign adversaries. (15 CFR 7.4(a))